

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

9	TEDDY BRIAN SANCHEZ,)	Case No. CIV. F-97-6134-AWI-P
10	Petitioner,)	
11	vs.)	<u>Death Penalty Case</u>
12	Steven W. Ornoski*, Acting Warden of)	Order Granting Petitioner's
13	San Quentin State Prison,)	Second Motion to Expand the
14	Respondent.)	Record

On March 3, 2004 Petitioner Teddy Brian Sanchez ("Sanchez") filed his second motion to expand the record. Doc. No. 144. Respondent Steven W. Ornoski ("the State") did not file any opposition to the motion.

Habeas Rule 7 grants a district court the discretion to expand the record with additional materials which are relevant to the petition. Rule 7(a) of Rules Governing Section 2254 Cases. The rule is intended to help district courts "clarify the relevant facts." *Vasquez v. Hillery*, 474 U.S. 254, 258 (1986). The court may order the record expanded either in place of, or in addition to, holding an evidentiary hearing. *See* Advisory Committee Note to Habeas Rule 7; *Harris v.*

* Steven W. Ornoski is substituted for his predecessor, John Stokes, as Acting Warden of San Quentin State Prison, pursuant to Federal Rule of Civil Procedure 25(d).

1 *Nelson*, 394 U.S. 286, 300 (1969).

2 Sanchez seeks to expand the record with documents that rebut arguments
3 presented by the State in their opposition to the motion for evidentiary hearing.
4 Sanchez seeks to include in the record a supplemental declaration from Dr.
5 Froming which responds to the State's argument that Charles Seeley's testimony
6 would not have been favorable to Sanchez since Seeley stated Sanchez laughed
7 with the actual killers after the murders. Dr. Froming asserts that proper
8 investigation and development of Sanchez's mental problems and development
9 characterized by abuse and neglect would have rebutted the implied conclusion
10 that Sanchez's laughter showed intent or lack of remorse. Sanchez also seeks to
11 include in the record excerpts from the medical records of David Huffman, his
12 lawyer on burglary charges, to respond to the State's argument that Mr. Huffman
13 would not have arranged for Sanchez to discuss the Bocanegra murders with
14 Detective Stratton if Sanchez had been mentally impaired. Sanchez asserts that
15 Mr. Huffman's medical records rebut the State's argument by showing Mr.
16 Huffman was mentally ill and suffering the physical and psychological effects of
17 chronic long-term alcohol abuse at the relevant time.

18 Both Dr. Froming's supplemental declaration and Mr. Huffman's medical
19 records are relevant to the arguments presented by the State. Sanchez's second
20 motion to expand the record is GRANTED.

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22 IT IS SO ORDERED.

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24 IT IS SO ORDERED.

25 **Dated: September 27, 2005**
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/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE